



# PLANNING COMMISSION

## MINUTES

August 8, 2012

7:30 P.M.

CITY OF FREDERICKSBURG  
715 PRINCESS ANNE STREET  
COUNCIL CHAMBERS

### COMMISSION MEMBERS

Dr. Roy Gratz, Chair  
Berkley Mitchell, Vice-Chair, Absent  
Edward Whelan, III, Secretary  
Susan Spears, Absent  
Shawn Lawrence, Absent  
Roy McAfee  
Joanne Kaiman

### CITY STAFF

Raymond P. Ocel, Jr., Director  
Robert K. Antozzi, Director PR&PF

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#### 1. CALL TO ORDER

The August 8, 2012, Planning Commission meeting was called to order at 7:30 p.m. by Chairman Roy Gratz.

#### 2. PLEDGE OF ALLEGIANCE

#### 3. ADOPTION OF MINUTES

- o July 25, 2012 (Regular Session) – Adopted/Approved as submitted.

### PUBLIC HEARING

*Dr. Gratz noted that Item 12, which was originally listed under "Other Business" on the agenda, would be combined with Items 4 and 5 for discussion purposes since they are related to one another. At the July 11, 2012 Planning Commission meeting, the public hearing was left open on Item #12, in order to allow staff to advertise Items 4 and 5 for public hearing and then to consider the three applications all at one time.*

4. **ZOTA2012-03:** Zoning Ordinance Text Amendment - Request to amend the boundaries of the railroad station overlay district to include 307, 309, 311, and 313 Charles Street, by amending the official zoning map and City Code Chapter 78, "Zoning, Planning and Development," Article III, "Zoning," Section 78-790.
5. **RZ2012-02:** A City initiated request to rezone the following properties from R-8, Residential, to C-D, Commercial Downtown: 307, 309, 311 and 313 Charles Street.

These properties are designated as Transitional/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

**12. ZOTA2012-02: Zoning Ordinance Text Amendment** - Request to amend the boundaries of the railroad station overlay district to include 306-312 Frederick Street, 316 Charles Street, and 318 Charles Street, reducing the maximum height by right to 40 feet, subject to increase up to 50 feet by special use permit and deleting a requirement for a special use permit for new curb cuts, by amending the official zoning map and City Code Chapter 78, "Zoning, Planning and Development," Article III, "Zoning," Sections 78-790, 78-793, and 78-795.

Mr. Ocel presented the applications.

Commissioners did not have questions for Staff.

Dr. Gratz called for public comment.

Ms. JoAnn Obaugh, 936 South George Mason Drive, Arlington, VA 22204 – owner of 314 and 316 Frederick Street, spoke in opposition to the rezoning requests. She said to rezone the subject properties would put her property in isolation and that her property would then become the only residential property in the subject area. She said her property contains HFFI easements and probably would prevent she and her husband from ever being able to rezone their property to commercial in the future. She asked the Planning Commission to deny the request.

Ms. Susan Pates, 2010 Fall Hill Avenue ( listing agent for the properties on Charles and Frederick Streets) said these properties have become an eyesore over the past years and that clients are not looking at them because of their residential status. She said the best use for these properties would be Commercial or a Mixed use. She said she was in favor of the proposed rezonings and text amendments.

Ms. Leah Watson 401/403 Sophia Street, said she was in support of the rezoning requests and indicated that rezoning the properties would make it easier to restore them.

There was no further comment from the public.

Dr. Gratz closed the public hearing on these items and asked Commissioners if they were prepared to make a recommendation. The three items were voted on separately.

Mr. McAfee made a motion to recommend approval of ZOTA2012-03- Zoning Ordinance Text Amendment - Request to amend the boundaries of the railroad station overlay district to include 307, 309, 311, and 313 Charles Street, by amending the official zoning map and City Code Chapter 78, "Zoning, Planning and Development," Article III, "Zoning," Section 78-790.

Mr. Whelan seconded the motion.

Motion carried unanimously by a vote of 4 – 0:

Mr. McAfee made a motion to recommend approval of RZ2012-02 - A City initiated request to rezone the following properties from R-8, Residential, to C-D, Commercial Downtown: 307, 309, 311 and 313 Charles Street. These properties are designated as Transitional/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Ms. Kaiman seconded the motion.

Motion carried unanimously by a vote of 4 – 0.

Mr. McAfee made a motion to recommend approval of ZOTA2012-02: Zoning Ordinance Text Amendment - Request to amend the boundaries of the railroad station overlay district to include 306-312 Frederick Street, 316 Charles Street, and 318 Charles Street, reducing the maximum height by right to 40 feet, subject to increase up to 50 feet by special use permit and deleting a requirement for a special use permit for new curb cuts, by amending the official zoning map and City Code Chapter 78, "Zoning, Planning and Development," Article III, "Zoning," Sections 78-790, 78-793, and 78-795

Mr. Whelan seconded the motion.

Motion carried unanimously by a vote of 4 – 0.

6. **SUP2004-02 (Renewal):** New City Fellowship Church-Special Use Permit extension request to continue to make available a portion of the Church parking lot for VRE parking for 13 additional years. The property is addressed as 200, 304-308 Prince Edward Street and is zoned I-1, Light Intensity Industrial. The property is designated as Light Research and Development on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel presented the application. He noted that although the application states the request for an extension of 10 years. He said Mr. Becker has since asked that the extension be for 13 years, which is when his contract with VRE expires.

Mr. Bob Becker, applicant, asked for a favorable recommendation to his request.

There was not public comment on this item.

Mr. Whelan made a motion to recommend approval of the extension to SUP2004-02, with the conditions outlined by staff and that the extension be granted for 13 years.

Ms. Kaiman seconded the motion.

Motion carried unanimously by a vote of 4 – 0

Dr. Gratz noted that items 7 through 11, would be discussed together since they all relate to the Courthouse project.

7. **SUP2012-05 City of Fredericksburg.** This is a special use permit request to construct a new court building at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The new court building will face Princess Anne Street. The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.
8. **SUP2012-06 City of Fredericksburg.** This is a special use permit request for a new motor vehicle curb cut for access to the basement of the proposed new court building. The proposed new motor vehicle curb cut will be located on TM 42-705, on Charlotte Street near its intersection with Princess Anne Street. The property is zoned C-D, Commercial Downtown, and is designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.
9. **SE2012-02 City of Fredericksburg.** This is a special exception request to use existing off-site parking resources in lieu of providing parking on site for the proposed new court building at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

**10. SE2012-03 City of Fredericksburg.** This is a special exception request to construct the new court building with a floor area ratio of approximately 3.5 in lieu of the maximum floor area ratio of 3.0 in the C-D, Commercial Downtown district. The new court building is proposed to be constructed at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

**11. SE2012-04 City of Fredericksburg.** This is a special exception request to construct the new court building that reaches a maximum height of approximately 57 feet in lieu of the 50 foot maximum height in the C-D, Commercial Downtown district. The new court building is proposed to be constructed at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel gave a brief overview of the applications. He noted that the ARB has approved the massing, scale, site planning and partially approved the architectural details of the proposed courthouse.

Mr. Whelan said that the height measurement does not include the copula.

Mr. Ocel said this is correct.

Ms. Kaiman said it appears that there are a lot of special use permit and special exception requests for one project. She asked if this is something that has happened before for a single project.

Mr. Ocel said the Courtyard Marriott downtown was similar. He also noted that if the UDO were currently in affect that there would be no need for 2 of the special use permit requests and would not come before the Commission.

Ms. Kaiman asked if there would be parking restrictions in front of the courthouse.

Mr. Ocel said the parking would be public parking and would consist of handicap parking as well.

Ms. Kaiman said she did not see anything relating to the Renwick Building in the applications.

Mr. Ocel said that the Renwick Building concept is being considered separately.

Dr. Robert Antozzi, Director of Parks, Recreation and Public Facilities, provided a brief overview of the project, its uses and layout. He noted that he had members of the First Choice team present to answer any questions Commissioners may have.

Ms. Kaiman asked if landscaping would be provided around the area that will contain the overhead retractable doors.

Jay Moore, Mosley Architects, member of the First Choice team, said there are street trees in that vicinity and that they flank either side of the door but that there is no foundation plan.

There was no public comment on items 7 – 11.

Dr. Gratz closed the public hearing on these items.

Mr. McAfee made a motion to recommend approval of SUP2012-05 - special use permit request to construct a new court building at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The new court building will face Princess Anne Street. The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Whelan seconded the motion.

Motion carried unanimously by a vote of 4 - 0

Mr. Whelan recommended approval of SUP2012-06 - special use permit request for a new motor vehicle curb cut for access to the basement of the proposed new court building. The proposed new motor vehicle curb cut will be located on TM 42-705, on Charlotte Street near its intersection with Princess Anne Street. The property is zoned C-D, Commercial Downtown, and is designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. McAfee seconded the motion.

Motion carried unanimously by a vote of 4 - 0

Ms. Kaiman recommended approval of SE2012-02 - special exception request to use existing off-site parking resources in lieu of providing parking on site for the proposed new court building at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Whelan seconded the motion.

Motion carried unanimously by a vote of 4 - 0

Mr. McAfee made a motion to recommend approval of SE2012-03 - special exception request to construct the new court building with a floor area ratio of approximately 3.5 in lieu of the maximum floor area ratio of 3.0 in the C-D, Commercial Downtown district. The new court building is proposed to be constructed at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Whelan seconded the motion.

Motion carried unanimously by a vote of 4 - 0

Mr. Whelan made a motion to recommend approval of SE2012-04 - special exception request to construct the new court building that reaches a maximum height of approximately 57 feet in lieu of the 50 foot maximum height in the C-D, Commercial Downtown district. The new court building is proposed to be constructed at the intersection of Princess Anne Street and Charlotte Street (TM 42-705 and TM 42-707). The properties are zoned C-D, Commercial Downtown and are designated as "Downtown" on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Ms. Kaiman seconded the motion.

Motion carried unanimously by a vote of 4 - 0

### **UNFINISHED BUSINESS/ACTION ITEMS**

Item #12 was moved up on the agenda.

### **OTHER BUSINESS**

None

#### **13. Planning Commissioner Comment**

Mr. McAfee noted that Dr. Gratz had distributed a draft copy of a letter addressed to the City Manager, seeking compensation for Planning Commission members. He asked fellow Commissioners to review the document and contact Dr. Gratz with any questions or changes.

Dr. Gratz agreed that Commissioners review the document and provide him with any changes, etc., via e-mail. He added that he would like to find out what other jurisdictions pay to its Planning Commission members.

#### **14. Planning Director Comment**

Mr. Ocel noted that since all business was dispensed this evening that there would be no need for a regular meeting on August 29<sup>th</sup>. He said he would schedule a work session for August 29<sup>th</sup> at 4:00 p.m. in order to go over sections 6 – 9 of the UDO. He said he would like to schedule the UDO for public hearing at the Commission's September 11<sup>th</sup> meeting .

### **ADJOURNMENT**

Meeting adjourned.

  
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Dr. Roy Gratz, Chair